

Ser. No. 10/619,294, AAFR August 2007

### **REMARKS**

**Entry is proper.** There has been no change in the subject matter of any remaining claim, and therefore no new issue is raised. Entry is proper.

**The claims recite a symmetry baffle in a specific location.** The Examiner will recall that the claimed "symmetry baffle" is exemplified in the drawing by the walls and floor, which are perpendicular to the plywood "central baffle" in which the speakers are mounted. The two remaining claims recite that the symmetry baffle is not only perpendicular to the central baffle, but is located in a central position relative to the speaker arc; however, the two claims recite this feature in different ways. Both are argued for below.

The claims also recite a radius greater than 1.00 feet, which is a feature that overcame the former rejection over Schupbach.

The claims (except now-canceled claims 21 and 28) were rejected as anticipated by North '631. This rejection is respectfully traversed. The Examiner is invited to consider the arguments below:

**North does not disclose a feature of claim 9.** The Examiner applies North's Fig. 2, which shows a circle of speakers in an enclosure 210. The Examiner assumes that one side of the enclosure 210 is on a floor, which is asserted to anticipate the claimed symmetry baffle. The Examiner also asserts (page 4) that "a center point of the arc ... lies adjacent the symmetry baffle" as claim 9 recites.

The Applicant respectfully disagrees. The asserted floor is "adjacent" to the *outside* of the arc, and is *farthest* from the center point. The word "adjacent" means "1. lying near, close, or contiguous; adjoining; neighboring ... 2. just before, after, or facing" (Random House Dictionary). All of these dictionary descriptions better fit the relationship between the floor and the outside of North's speaker arc, than that between the floor and the center of the arc.

The outside of the arc is nearer and closer to the floor than the center point is; the arc is also contiguous to the floor, while the center point is not ("contiguous" means "1. touching; in contact. 2. in close proximity without actually touching"); and is neighboring the floor.

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North does not disclose a feature of claim 20. The Examiner applies North's Figs. 1, 2, 7, and 11. The Examiner again applies a floor as anticipating the claimed symmetry baffle. However, North does not illustrate an arc that will "meet the symmetry baffle generally perpendicularly."

In each of the applied figures the floor is outside the arc of the speakers, and the arc and the floor do not "meet" at all. If the floor were moved closer to the center (not disclosed) then the floor would "meet" the arc tangentially, but the meeting angle would be 0°, not 90°, and therefore not perpendicular. In order for the arc to meet the floor perpendicularly as claimed, the enclosure would need to be sawed in half.

North is non-elected. North discloses four speakers deployed in a square arrangement (only Fig. 5 shows a rectangular arrangement, and Fig. 5 is not applied). The square arrangement is also a full circle of speakers, which is an arrangement that the Examiner has withdrawn from consideration in the Applicant's claims. The Applicant respectfully questions whether his claims can properly be anticipated by a reference disclosing only subject matter not under consideration?

Consideration of the Remarks above, and allowance, are requested.

Respectfully submitted,

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*I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571-273-8300) on August 19, 2007.*

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